

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:00CR353
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
JAMES S. NOVAK,)	
)	
Defendant.)	

Today, I consulted with Adam Sipple, counsel for Mr. Novak, Russ Mayer and Laurie Barrett, Assistant United States Attorneys, and John Hill, Supervising United States Probation Officer. We addressed the petition for warrant or summons for offender under supervision (filing 219) and related scheduling issues. Based upon the advice that I received at the telephone conference,

IT IS ORDERED THAT:

(1) I herewith dismiss, without prejudice, allegation nos. 2, 3 and 4 of the petition. (Filing 219.)

(2) Regarding allegation no. 1 of the petition (filing 219), a hearing is scheduled for 12:00 noon on Wednesday, October 31, 2007, before the undersigned at which time Mr. Novak shall appear.¹ On this date, it is the intention of the court to resolve the defendant's guilt or innocence of allegation number one and, if the defendant is found to have violated his conditions of supervised release, to proceed to sentencing as well.

(3) The court herewith gives Mr. Novak notice that pursuant 18 U.S.C. 3582(e)(2) and Fed. R. Crim. Proc. 32.1(c), the court will, on October 31, 2007, at 12:00 noon, consider adversely modifying the conditions of supervised release as follows:

¹Mr. Sipple advised that his client would admit allegation no. 1.

A. Prohibiting Mr. Novak from continued use of Marinol even though prescribed by a physician.

B. Tightening the restitution provisions of supervised release including, but not limited to, the imposition of a requirement that the defendant provide audited financial statements to the probation office.

(4) The previously scheduled hearing on October 12, 2007, is canceled.

October 10, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge